

REMARKS/ARGUMENTS

Claims 1-70 are pending in this application and are rejected under either 35 U.S.C. § 102 or 35 U.S.C. § 103. For at least the reasons set forth below, Applicants assert that all claims are in condition for allowance.

Declaration of Prior Invention Under 37 CFR § 1.131

Included with Applicant's Amendment and Response dated November 17, 2005, was a 37 CFR § 1.131 declaration swearing back of the *Patrick* reference and effectively antedating the reference in accordance with MPEP § 715. Examiner asserted that the declaration was ineffective to overcome the *Patrick* reference because "diligence is lacking from October 23, 2000 to at least the publication date of the Patrick reference dated 1/30/2001." Applicants respectfully disagree, and it is unclear to Applicants why documentation disclosed with the declaration and dated after 10/23/2000 and before 1/30/2001 did not demonstrate due diligence between those dates. However, because the rejection relying on the *Patrick* reference was withdrawn and no longer forms part of the current rejection, Applicants believe this issue does not require disposition at this time.

Double Patenting Rejection

Claims 1-3, 5-6, 10-18, 46-47, 19-20, 29-31, 33-34, 36, 38, and 45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-53 of U.S. Patent Application No. 09/783,673 in view of Simonoff et al., U.S. Pat. No. 6,078,322. A terminal disclaimer was filed with Applicants' Amendment and Response dated November 17, 2005, but Examiner indicated that the terminal disclaimer was not accepted.

Applicants are currently working to obtain a new terminal disclaimer signed by an authorized person and fully expect to obtain such terminal disclaimer to overcome the nonstatutory double patenting rejection, thereby obviating this rejection. In the meantime, Applicants respectfully request that this rejection be held in abeyance.

Rejection under 35 U.S.C. § 102

Claims 1-45, 48-53, 55-59 and 61-70 were rejected under 35 U.S.C. § 102(b) as being anticipated by Filepp et al U.S. 5,347,632. As set forth in more detail below and in the previous Amendment, the reference fails to describe every element of every claim “*in as complete detail*” as is contained in the claims, as required by MPEP § 2131, and therefore the rejection is unsupported by the art. For at least the reasons stated below, Applicants respectfully request that the rejection be withdrawn.

As described in Applicants’ Amendment and Response dated November 17, 2005, the present invention is directed towards a thin client architecture, where substantial proportions of the processing are performed server-side to reduce the load on the client. See claims 1, 19, 38, 45, 53, and 59; *see, also*, Spec. p. 6, lines 19-21 (“A preferred embodiment of the present invention provides a data communication architecture that exhibits the following attributes: a relatively thin client for reduced client-side resource demands...”) (emphasis added)

In stark contrast, *Filepp* is directed towards an architecture that reduces the load on the server and provides for a fat client:

...the invention includes procedures for formulating objects that have been specially structured to include display data, control data and program instructions for supporting the applications at the network reception systems, the objects being pre-created, parceled units of information that may be distributed and stored at lower levels in the network...so as to reduce processing demand on the network higher element...

Col. 2, line 60-Col. 3, line 1 (emphasis added); *see, also* Col. 76, lines 37-47 (“the table can be presented to the user’s RS 400, where the [client-side] RS 400 can provide the data processing required to present the potentially relevant keywords, objects and associated applications to the user...this procedure reduces demand on server...”); *see, also* Col. 1, lines 16-25 (“This invention relates generally to a distributed processing...computer network in which the interactive text/graphic sessions are comprised of pre-created blocks of data and program instructions which may be distributed downwardly in the network for use at a software enhanced user computer terminal that reduces processing demand on the higher-level network elements...”); *see, also* Col. 75, lines 41-56 (“the method aspect of the invention includes an

improved procedure for searching and retrieving applications from the store of applications distributed throughout network...this reduces the demand on the server...").

Accordingly, the *Filepp* reference fails to disclose "in as complete detail" as is contained in the claims: (a) supplementing a skeletal UI; (b) generating a UI form based on client device capabilities; and (c) populating a native UI control. For at least these reasons, Applicants respectfully request that these rejections be withdrawn.

(a) *Supplementing Skeletal UI*

Independent claims 1, 38, and 53 and dependent claims 66, 68, and 70 recite generating or displaying a user interface "including the step of supplementing a skeletal UI...with one or more icons, labels or menu items, or combinations thereof." The *Filepp* reference fails to disclose the "skeletal UI" limitation.

In contrast, *Filepp* does not "supplement" a skeletal UI, but rather the architecture of *Filepp* formulates "objects that have been specially structured to include display data, control data and program instructions for supporting the applications at the network reception systems, the objects being pre-created, parceled units of information that may be distributed and stored at lower levels in the network; e.g., at the [client-side] reception system." Col. 2, lines 60-68. In other words, the displays of *Filepp* are defined by pre-created, predefined objects that already include display data, control data, and program instructions.

Examiner asserts that *Filepp* shows a "template UI" that is "populated by different objects." As an initial matter, the reference does not disclose a "template UI." Rather, the plan views shown in Figures 3a and 3b illustrate a page 255 with page partitions 250, 260, 280, and 290 (Fig. 3a) and a partition 260 with display fields 270, 271, and 272 (Fig. 3b). As to the page partitions 250, 260, 280, and 290 of Figure 3a, the partitions are not supplemented with "icons, labels, or menu items" as claimed, but rather the partitions are merely frames that divide a page into sections. Col. 9, lines 1-9 (Each page partition 250-290 and window 275 is made up of a page element which define the content of the partition or window."). In other words, the partitions of *Filepp* are filled with *content* not user interface controls such as "icons, labels, or menu items." As to the display fields 270, 271, and 272 of Figure 3b, these fields are *input fields*

or “text boxes” capable of receiving input, but not described as displaying or being supplemented with “icons, labels, or menu items” as claimed. Col. 78, lines 23-25, 28-29 (“...the user may also enter a keyword at display field 270 within window partition 275...Where the user enters a character string it is displayed in field 270...”).

Nowhere does *Filepp* describe any object being created by supplementing a skeletal UI “with one or more icons, labels or menu items, or combinations thereof” as claimed.

(b) *UI Form Based On Client Device Capabilities*

Independent claims 19 and 45, and dependent claims 2, 54 and 60, recite defining or generating a user interface form based upon or in response to a number of device capabilities for a client device, and independent claims 19, 45, 59 recite “the controls being UI objects provided by the client device operating system or other client-resident application.” *Filepp* fails to teach these limitations. Indeed, Examiner agrees that “Filepp...does not say a UI formatting module that generates said UI form definition based upon a number of device capabilities for a client device that includes said client device architecture.” OA dated 1/31/2006, page 13.

Instead, the *Filepp* reference discloses the same objects regardless of the client device. Specifically, *Filepp* describes display objects that contain “information about what is to be displayed and how it is to be displayed,” but nowhere does the reference teach or suggest that these objects are “based upon” or “in response to” client device capabilities or provided by the client device OS or applications as claimed. *See, e.g.*, Col. 7, lines 24-46 and Col. 7, line 64-Col. 8, line 39 (describing the objects of *Filepp* without any indication of correspondence to client device capabilities).

(c) *Native UI Control*

Independent claims 1, 45, 53, and 59 of the present invention also recite populating or rendering a “native UI control” of the UI on the client device with data items, and dependent claim 34 recites defining a UI form for a client device, including at least one native control that is stored locally at the client device.

Filepp also fails to teach these limitations, and instead discloses pre-created objects with display data that are sent to the client device, not native objects as claimed. Col. 2, lines 60-68. The reference generally describes the action of “populating” in general terms (*see* Col. 9, lines 10-33; Col. 12, lines 8-17), but nowhere does the cited reference describe populating a native UI control as claimed. Applicants assert that the term “native” carries patentable weight, but it is unclear from the rejection where the reference purportedly discloses this claim limitation.

Rejection under 35 U.S.C. § 103

Claims 46-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Filepp*, as applied to claim 45, in view of “what was well known in the art.” Neither *Filepp* nor the official notice, nor the combination thereof, teach or suggest all of the limitations of claims 46-47, and claims 46-47 are allowable as being dependent from claim 45 for the reasons set forth above.

Claims 54 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Filepp*, as applied to claims 53 and 59 in view of *Kikinis* U.S. 5,727,159. Neither *Filepp* nor *Kikinis*, nor the combination thereof, teach or suggest all of the limitations of claims 54 and 60, and claims 54 and 60 are allowable as being dependent from claim 53 and 59 respectively for the reasons set forth above.

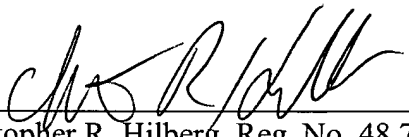
Moreover, the *Filepp* and *Kikinis* references are not properly combinable; whereas *Filepp* is directed towards an architecture that reduces the load on the server and provides for a fat client (i.e., client that performs the bulk of the data processing operations, as described above), the *Kikinis* reference is directed towards an architecture that reduces the load on the client and provides for a thin client (i.e., server that performs the bulk of the data processing operations, *see* Col. 2, lines 26-36; Col 6, lines 6-36). Accordingly, considering the *Kikinis* reference “in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention,” one skilled in the art would not reasonably combine *Filepp* with *Kikinis*, or any other reference, to teach or suggest the limitations of the present claimed invention. MPEP § 2141.03 (VI).

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

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